

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
JANUARY 22, 2007 – 7:00 PM**

PRESENT: Virginia Russell-Russell, Chairman
Ben Moore, Vice-Chairman
Rick Griffin
James Workman
Bill Lally
Mark Gearreald, Interim Town Manager
Maureen Duffy, Administrative Assistant

REGRETS:

Salute to the Flag

A moment of silence was held for Vic and Olive Lessard's daughter, Lois Ann Lessard-Slager who passed away on January 21, 2007.

Chairman Virginia Bridle-Russell called the meeting to order at 7:00PM.

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Workman announced that the Hampton Rotary Club Pizza Bowl will be held this Sunday, January 28 from noon to 2PM at the Ashworth Hotel. Residents and visitors are encouraged to vote for the best seacoast pizza.

Mr. Lally expressed his sympathy to the Lessard family for their loss of a loved one.

II. APPOINTMENTS

1 – ARLEEN ANDREOZZI – TOWN CLERK UPDATE

Mrs. Andreozzi announced that she will be retiring in March from the position of Town Clerk.

Mrs. Andreozzi went on to discuss the legalities that are involved in listing candidates alphabetically on the ballot. The Superior Court has ruled that listing candidates alphabetically discriminates against the people at the bottom of the list because voters often select candidates at the top. The Clerk's office currently alphabetizes candidates' names which could make the Town subject to a lawsuit. Mrs. Andreozzi suggested that the Board consider establishing a protocol to ensure fair candidate lists. A few examples include drawing a letter or number out of a hat or first come first serve.

Residents may file declarations of candidacy or nomination petitions from January 24 to February 2.

The photocopier in the Town Clerk's office is not working. The office deals with vital records and requires access within the department to a photocopier. Mrs. Andreozzi wishes to have the office functioning efficiently before she retires. With inadequate access to a copier, the clerks have to leave their stations to make copies in other departments. This creates a potential security and liability issue for the department, when vital records and/or money are left unattended. The Town Clerk suggested that a copier be purchased from the money available in account 4140 (elections & vital records). Mrs. Andreozzi has obtained bids for copiers and has found one for \$2,706 (includes warranty).

Mr. Gearreald agreed with the Town Clerk that a protocol is needed for listing candidates on the ballot to avoid potential litigation. He also noted that there is a line item in the 2007 Budget for a photocopier in the Clerk's office. Mr. Gearreald understands that a copier is essential for the Department to accomplish daily tasks. He emphasized that funds are spent sparingly for the first two months of the year as the 2007 operating budget has yet to be voted on, but recommended that the money for the copier come from the normal line item for such equipment and not from account 4140.

Mr. Lally MOTIONED to allocate up to \$2,750 to purchase a photocopier for the Town Clerk's office as soon as possible. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

The Board thanked Mrs. Andreozzi for her many years of service.

2 – DEPUTY FIRE CHIEF CHRIS SILVER – AMBULANCE SERVICE FEE

Deputy Silver came before the Board as requested at the January 8th meeting. He explained that there are several factors determining an individual patient's final billing cost such as the level of care provided and mileage.

The Town of Hampton has an agreement with Comstar (Ambulance Billing & Collection Service) specifying the rates. Medicare recently changed the billing structure and established a regional rate which was approximately 30% above the national. On October 2, 2006 the Board of Selectmen moved to maintain the ambulance fees at the national rate plus 30% so the Town does not lose money. In general Medicare pays for 80% of the billed amount and the remaining 20% is the patient's fee. Mr. Silver noted that some communities absorb the 20%.

There may be variation between ambulance transportation fees for neighboring patients simply because they may have different individual health insurance coverages. Patients we serve are billed only if they are transported. The bill would reflect the level of care and mileage. Comstar bills the patient's insurance company and then generates a bill that is the patient's responsibility. For those having difficulty paying the bill, a payment plan may be worked out.

Due to a personnel shortage there have been a number of out of town ambulance transports. To cope when there is an absence of an ambulance, the first apparatus at the scene of an emergency has a paramedic and equipment to treat patients.

3 – POLICE CAPTAIN RICHARD SAWYER – PENGUIN PLUNGE

Special Olympics New Hampshire representative Sara Stock accompanied Captain Sawyer in his presentation to the Board. The 8th annual Penguin Plunge will be held on Sunday, February 4th. Registration starts at 9AM at the Ashworth by the Sea Hotel.

Event coordinators expect to have five waves of plungers. Last year there were more than 735 plungers who raised approximately \$455,000 to benefit Special Olympics New Hampshire. It is expected that the number of participants will be greater than last year.

The Board is very much in support of the event.

People interested in sponsoring a plunger or to learn more about the event may go to www.sonh.org.

4 – ELIZABETH AYKROYD – HISTORIC HOUSE MARKERS

Maryanne McAden, the coordinator of the program and Vice Chairman of the Heritage Commission, accompanied Elizabeth Aykroyd, Chairman of the Heritage Commission to explain the Historic House Markers program. It is a voluntary program with no cost to the Town. Homeowners or owners of commercial buildings that are 50 years or older are encouraged to participate by purchasing a marker directly from the distributor for \$55 plus \$7 for shipping. Survey forms, instructions and applications will be available on the website (Heritage Commission portion).

As part of the inauguration of the Heritage Marker Program, the Commission is planning a special ceremony to place a marker on the Old Courthouse (Grammar School) on January 27 at 11AM. The Heritage Commission members invited the Selectmen and Building Inspector to take part in this special event.

III. MINUTES – JANUARY 8, 2007

Page 3 – Under the Selectmen's response Mary-Louise Woolsey – 2007 Budget – third paragraph – \$1.6 million should read \$1.8 million.

Page 7 – Article 17 – motion needs to reflect the correct social service – A Safe Place

Page 9 – Under New Business – second paragraph – instead of Department of Labor – it should read "worker's compensation carrier"

The January 8, 2007 minutes stand as corrected.

IV. OLD BUSINESS

1. INTERIM TOWN MANAGER'S REPORT

A resolution to the problem with water pooling along Ashworth Avenue and P Street will be dealt with by Zoppo this week.

Chief Lipe reported to the Town Manager that the Locke Road flag pole has been removed. A group is working with the Legion to replace the pole and are discussing the possibility of implementing a memorial along side of a new pole at no cost to the Town.

In response to a question from the Board at the January 8th, meeting, John Hangen reports that 110 residences out of 270 backyard sewer connections at Hampton Beach have now been connected to the new sewers installed in our streets during the Hampton Beach Infrastructure Project. Property owners are reminded that July 1, 2007 is the deadline for connecting.

With regard to the West side street sewer work, Fay, Spofford and Thorndike (FST) has received a comment letter from the New Hampshire Department of Environmental Services (DES) following its technical review of the FST plans. The comments have been addressed by FST, and the updated plans and specifications have been sent to DES by FST. As part of our response to the comments, DES requires that FST and the Town prepare a waiver request and submit that to DES, seeking a waiver for the 6 foot minimum depth requirement. This is necessary because two last sections of sewers cannot meet the 6' depth due to existing invert elevations and the flat topography of the beach area. After consulting with Mr. Hangen, Mr. Gearreald sent a letter to DES concerning the request for a waiver. He also asked FST to prepare an updated estimate of cost for the remaining West Side Street work in light of a DES requirement that where a 10 foot separation between water and sewer pipes cannot be achieved, we must use force main rated PUC pipe rather than the DSR 35 rated pipe that we already have stockpiled.

The Deliberative Session is scheduled for Saturday, February 3, 2007 at 8:30 a.m. at the Winnacunnet High School. The Warrant for this session must be posted by Monday, January 29, 2007. In preparing the Warrant for posting, we have discovered that a deadline for a public hearing on the bonding drainage article has been missed. The deadline for conducting that public hearing, which had to be noticed at least 7 days before, was January 16, 2007. As a result, Mr. Gearreald recommended that this article be pulled from the Warrant and that it be taken up next year instead. Next year, we can better evaluate how that additional debt would fit into our overall debt structure and how long to ask the townspeople for authority to spread out that obligation. If the Warrant article is pulled this year, the only major appropriation article on the Warrant will be the operating budget article.

Finance Director Mike Schwotzer has been burning some midnight oil in preparation for the upcoming annual audit. The auditors arrived today and will be working on the audit until the end of the week. As a result of the audit being underway, Mr. Schwotzer is tentatively scheduled to appear at next week's Selectmen's meeting rather than this week's, to discuss year end financials.

Fire Chief Hank Lipe reports that the work on the governmental pier has progressed with the punch list being reduced. A ribbon cutting/dedication ceremony is being planned for the end of April 2007 in conjunction with Hampton's American Legion Post Commander Ralph Fatello.

BOARD'S RESPONSE TO THE MANAGER'S REPORT

Mr. Lally asked how homeowners in the beach area are being notified when many of them are not residents of Hampton during the winter months. Notices have been sent to addresses forwarded by the tax department. Mr. Lally suggested that communications continue to ensure that all homeowners are aware of the deadline.

Mr. Moore asked if a letter has been sent to the Planning Board recommending an increase in fees. Mr. Gearreald has not completed that task yet but it is on his list. Mr. Workmen mentioned to the Planning Board at their last meeting that a letter from the Selectmen would be forthcoming, so they are aware of the suggestion.

Mr. Moore MOTIONED to remove the drainage article (Article 9) from the Warrant. **Mr. Griffin SECONDED.**

DISCUSSION:

Mr. Lally said that he is very upset about missing the public hearing deadline for bonds and reminded residents that there is a line item in the budget and perhaps some preliminary work can proceed. Mr. Griffin noted that there are going to be many unhappy citizens about this particular article being removed from the Warrant. Drainage was an issue for many homeowners in 2006 and they were looking forward to taking the first step in seeking the financial means to proceed with a major drainage project.

Mr. Gearreald is very upset himself and had looked at various angles that could be done to save the article from being removed. Chairman Bridle-Russell stated that the Board can share in the responsibility of the mistake as there are five Selectmen that should have been aware and made certain that a public hearing was held. Mr. Workman reiterated that Public Works can do some of the work or engineering aspects of the project in attempt to move the project forward.

VOTE: UNANIMOUS FOR

2. 2007 WARRANT

Articles 2 through 8 have been passed onto the Selectmen by the Planning Board to be placed on the 2007 Warrant. These articles will not be voted on to amend at the Deliberative Session but is up to the Moderator whether or not to discuss them.

The Warrant was sent to the Department of Revenue Administration (DRA) for review. A number of comments were made and returned. The Board made the following motions in effort to amend according to DRA's recommendations:

Mr. Moore MOTIONED to amend Articles 13 – 15 (renumbered as Articles 12-14 after deleting Article 9) to include the words "raise and appropriate". **Mr. Workman SECONDED.**

DISCUSSION:

It was suggested that a copy of the Warrant be sent to the Budget Committee once it has been amended and reviewed by DRA.

VOTE: UNANIMOUS FOR

Mr. Moore MOTIONED to delete the Selectmen sponsored Article for Lamprey Senior Transportation, Article 19 (renumbered as Article 18 after deleting Article 9) as the organization had submitted a petitioned article. **Mr. Workman SECONDED.**

DISCUSSION:

VOTE: UNANIMOUS FOR

Mr. Moore MOTIONED to add the words “As Petitioned” to petitioned warrant articles; Articles 28 to 47 (renumbered 27 to 46). **Mr. Griffin SECONDED.**

DISCUSSION:

Mr. Griffin questioned if it should read “Private Petitioned”.

VOTE: UNANIMOUS FOR

It is proper procedure to present petitioned warrant articles word for word. As a result there are some minor errors that may be adjusted by the Selectmen.

Mr. Workman MOTIONED to correct the spelling of “Wayside” in Article 32 (renumbered 31), correct the spelling of “for” in Article 30 (renumbered 29) and to change the # sign to a \$ sign in Article 34 (renumbered 33). **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

Article 39 was submitted by The Great Bay Chapter of the American Red Cross. DRA recommended that the words “raise and appropriate” be added to this article. The Board suggested contacting the Red Cross to have a resident make a motion at the Deliberative Session to add the words “raise and appropriate”.

Mr. Lally MOTIONED to rescind the motion made on January 9th by the Selectmen to “not recommend” and to “recommend” the Big Brothers Big Sisters article (Article 28 - renumbered 27). **Mr. Griffin SECONDED.**

DISCUSSION:

Mr. Lally noted that a representative from Big Brothers Big Sisters presented many strong reasons to support the organization at the Budget Committee public hearing. As a result the Budget Committee voted to recommend the article. Mr. Moore still feels that the \$6,500 is a large figure for a new warrant article.

VOTE: 2 FOR

3 OPPOSED (Bridle-Russell, Moore and Workman)

MOTION DENIED

DRA questioned if Article 40 dealing with naming of streets as petitioned by Ralph Fatello is a zoning article. Mr. Gearreald stated that this is covered by a separate RSA and that it is an advisory article “recommending” a policy.

3. ANNUAL REPORT – FRONT & BACK COVER SELECTIONS

Two pictures were passed around to the Selectmen. Mr. Gearreald noted that the theme of the report is “experience counts” and has been dedicated to James Barrington. For that reason, a picture of Mr. Barrington and department heads was presented to the Board for consideration as the front cover and a picture of the Ice Pond (recently purchased by the Conservation Commission) for the back.

It was suggested that the names of the employees and positions be documented for historical purposes. In addition the Ice Pond will be identified.

Mr. Lally MOTIONED to accept the group picture of Mr. Barrington and department heads for the front cover and the picture of the Ice Pond for the back. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

The Board of Selectmen will be meeting after the Deliberative Session and the meeting notice/agenda will need to be posted.

Descriptions of employee experience, education and skill sets will be included in the report to complement the theme.

OTHER OLD BUSINESS

Mr. Lally would like to see the flag pole reestablished along Locke Road and the flag pole mechanism repaired at Bicentennial Park.

Mr. Griffin mentioned that he has been discussing using of the Town bus with the Recreation Director Dyana Martin, for a senior citizen outing to the Wentworth. They are still working out the details.

Mrs. Bridle-Russell said that she would like to have a list made available that states what Public Works and the Recreation and Parks Department is responsible for (i.e. mowing grass in various areas). Mr. Gearreald noted that his idea has been transmitted to his successor, new Manager, Fredrick Welch (who was present in the audience).

V. NEW BUSINESS

1 – NAVAL SHIPYARD REQUEST

The Portsmouth Naval Shipyard, Congressional & Public Affairs Office has invited the Town of Hampton to host a submarine and its crew while the ship undergoes a scheduled maintenance period. The Host Community Program adopts a submarine for the duration of the availability at Portsmouth Naval Shipyard. The community welcomes the officers, crew and families of the ship and includes them as part of their community. In return the community receives a helping hand. Crew members may be invited to join in a civic project, tutor in schools or participate in Holiday events.

It was the consensus of the Board to pass the request onto the USS Hampton Committee or perhaps the Chamber of Commerce.

Fred Rice was present in the audience and he was given the information to take forward to the Committee for consideration.

2 – SIGN NH WATER POLLUTION CONTROL REVOLVING FUND PROGRAM ORIGINAL LOAN AGREEMENT

Mr. Moore MOTIONED to sign the NH Water Pollution Control Revolving Fund Program Original Loan Agreement as approved by the voters at the 2006 Town meeting. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

OTHER NEW BUSINESS

Mr. Moore commented on the exchange of letters to the editor in the Hampton Union comparing Hampton to other cities and towns. The letter writer has put Hampton on top of the list for spending. Mr. Moore noted that when people are doing their calculations for these editorials they need to be careful in their assessment as many other cities/towns such as Portsmouth does not include non-operating expenses such as property/liability insurance, debt service and Tax Anticipation Notes where as Hampton does. Mr. Moore believes that the letters are good as it creates intrigue and interest in seeking accurate comparisons. He suggested that the people exchanging these letters be on an Ad Hoc Committee to examine other communities and use their finding for benchmark purposes. Mr. Moore also stated that he is willing to serve as the Selectmen representative on the committee. He also noted that the group would need the Finance Director's support and that perhaps after audit he may have time.

Mr. Workman MOTIONED to form an Ad Hoc Committee to develop an accurate comparison of Hampton's spending in comparison to other NH towns/cities of relevant size. **Mr. Griffin SECONDED.**

DISCUSSION:

Residents who are interested in serving on the Committee may leave their contact information at the Town Manager's office.

VOTE: UNANIMOUS FOR

The Board will have a non-meeting meeting to discuss litigation matters immediately after tonight's meeting.

VI. CONSENT AGENDA

1. RAFFLE AUTHORIZATION

Mr. Lally MOTIONED to authorize the raffle request from the Cystic Fibrosis (CF) Foundation. **Mr. Workman SECONDED.**

DISCUSSION:

General Motors has donated a 2007 GMC Acadia for the raffle to raise money for CF research. Only 400 tickets at \$100 each will be sold. The drawing will be held in conjunction with the CF Seacoast Safari bicycle ride that travels through Hampton (July 22). The drawing will be at Little Jack's Seafood.

VOTE: UNANIMOUS FOR

VII PUBLIC COMMENTS

Fred Rice (15 Heather Lane) said that he too has been following the letters in the Hampton Union and had some concern about accuracy of the content. He noted that per capita has nothing to do with setting the tax rate. He also commented on the expense of the school system as it has increased significantly over the years and has never been challenged. Mr. Rice commented on the Budget Committee cutting the budget yet encouraging the hiring of additional staff in the police and fire departments. Mr. Rice went on to express his frustration and disappointment in the Board of Selectmen and Interim Town Manager that the deadline for the public hearing (drainage bond) was missed.

Skip Sullivan believes that the Interim Town Manager has done a good job considering the workload and the state of flux the Town office is experiencing. Mistakes happen and not everyone in Town will be upset about it. Mr. Sullivan has been following the articles in the newspaper and believes that the figures are false because they are calculated on the population during the off-season not during the summer when Hampton's population is approximately 35,000. Mr. Sullivan said that Hampton is unique in that the population increases significantly three months out of the year and that service it demanded by this increased population.

VIII. CLOSING COMMENTS:

None

IX. ADJOURNMENT

Mr. Moore MOTIONED to adjourn at 9:05PM. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

Chairman